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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	AT	TORNEY DOCKET NO.
		\neg	EXAMINER	
			ART UNIT	PAPER NUMBER
		•		25
			DATE MAILED:	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/875,849

Ap. Junt(s)

Examiner

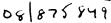
Ron Schwadron, Ph.D.

Group Art Unit 1644

Briskin et al.



	Responsive to communication(s) filed on				
	This action is FINAL .				
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.				
is ap	shortened statutory period for response to this action is set to expire longer, from the mailing date of this communication. Failure to responding to become abandoned. (35 U.S.C. § 133). Extensions of time 7 CFR 1.136(a).	nd within the period for response will cause the			
Di	isposition of Claims				
	X Claim(s) 24-26, 28-34, 37, 38, 44, 46, and 89-135	is/are pending in the application.			
	Of the above, claim(s) 33, 34, 37, 38, 44, 46, and 89-100	is/are withdrawn from consideration.			
	Claim(s)	is/are allowed.			
	Claim(s)	is/are rejected.			
	Claim(s)				
	X Claims 24-26, 28-32, and 101-135	are subject to restriction or election requirement.			
Αŗ	pplication Papers				
·	See the attached Notice of Draftsperson's Patent Drawing Review	v, PTO-948.			
	The drawing(s) filed on is/are objected to b	by the Examiner.			
	The proposed drawing correction, filed on				
	The specification is objected to by the Examiner.				
	☐ The oath or declaration is objected to by the Examiner.				
Pr	riority under 35 U.S.C. § 119				
	Acknowledgement is made of a claim for foreign priority under 3.	5 U.S.C. § 119(a)-(d).			
	☐ All ☐ Some* ☐ None of the CERTIFIED copies of the price	ority documents have been			
	_ received.				
	received in Application No. (Series Code/Serial Number)	·			
	$oxedsymbol{oxed}$ received in this national stage application from the Internat	ional Bureau (PCT Rule 17.2(a)).			
	*Certified copies not received:				
	Acknowledgement is made of a claim for domestic priority under	35 U.S.C. § 119(e).			
Αı	ttachment(s)				
	Notice of References Cited, PTO-892				
	Information Disclosure Statement(s), PTO-1449, Paper No(s).				
	Interview Summary, PTO-413				
	Notice of Draftsperson's Patent Drawing Review, PTO-948				
	Notice of Informal Patent Application, PTO-152				
	SEE OFFICE ACTION ON THE FOLL	OWING PAGES			
	Jes DEL OFFICE ACTION ON THE FOLE				



Serial No. 08/955373

Art Unit 1644

- 1. The amendment filed 9/13/99 has necessitated the following further species election requirement.
- 2. This application contains claims directed to the following patentably distinct species of the claimed invention.
 - A) MAdCAM fusion protein encoded by SEQ. ID. no.2
 - B) MAdCAM fusion protein encoded by SEQ. ID. no. 4
 - C) MAdCAM fusion protein encoded by SEQ. ID. no. 6

These proteins are different proteins with different amino acid sequences.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

- 3. This application contains claims directed to the following patentably distinct species of the claimed invention.
 - A) MAdCAM fusion protein containing a portion of an immunoglobulin chain
- B) MAdCAM fusion protein containing a portion of a mutant immunoglobulin chain These proteins are different proteins with different amino acid sequences.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

4. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct,

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applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).
- 6. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
- 7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ms Christina Chan can be reached on (703) 308-3974. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

RONALD B. SCHWADRON
PRIMARY EXAMINER

GROUP 1800 (600

Ron Schwadron, Ph.D.

Primary Examiner

Art Unit 1644